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THE ILLINOIS

Water Well Contractor's License Act

STATE OF ILLINOIS

WILLIAM G. STRATTON GOVERNOR



DEPARTMENT OF REGISTRATION AND EDUCATION VERA M. BINKS, Director

SPRINGFIELD 1959

(Printed by Authority of the State of Illinois)

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THE ILLINOIS WATER WELL CONTRACTORS ACT

AN ACT to license and regulate water well Contractors and to provide penalties for the violation thereof, and to make an appropriation therefor. (Approved July 21, 1959)

WHEREAS, because there is an ever increasing shortage of water supply in this State it is imperative that the health and general welfare be protected by providing a means for the development of the natural resource of underground water in an orderly, sanitary and reasonable manner without waste so that sufficient sanitary supplies for continued population growth and for future generations may be assured; and to this end it is essential that Contractors engaged in water well drilling cooperate with the State of Illinois in procuring information necessary to provide for the development of proper ground water resources; therefore

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. This Act shall be known and may be cited as the "Water Well Contractor's License Act".

Section 2. As used in this Act, unless the context otherwise requires: "Water well" and "well" mean any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the location, diversion, artificial recharge, or acquistion of ground water, but such term does not include an excavation made for the purpose of obtaining or prospecting for oil, natural gas, minerals or products of mining or quarrying or for inserting media to repressure oil or natural gas bearing formation or for storing petroleum, natural gas or other products; "Ground water" means water

of under-ground streams, channels, artesian basins, reservoirs, lakes and other water under the surface of the ground whether percolating or otherwise;

"Drill" and "drilling" mean all acts necessary to the construction of a water well including the sealing of unused water well holes:

"Water well Contractor" and "Contractor" mean any person who contracts to drill, alter or repair any water well;

"Water well drilling rig" means the machin-

ery used in drilling a water well;

"Department" means the Department of Registration and Education of this State:

"Director" means the Director of the Depart-

ment of Registration and Education;

"Board" means the Board of Water Well Contractor Examiners created by Section 6 of this Act;

"Person" includes any natural person, partnership, association, trust and public or private corporation:

"License" means a water well Contractor's

license required by Section 4 of this Act;

"Rig permit" and "permit" mean a permit to operate a water well drilling rig required by Section 5 of this Act.

Section 3. This Act shall not apply: (1) to an individual who drills a water well on land which is owned or leased by him and is used by him for farming purposes or as his place of abode; or

(2) to an individual who performs labor or services for a licensed water well Contractor in connection with the drilling of a water well at the direction and under the personal supervision of a licensed water well Contractor.

Section 4. Subject to the provisions of Section 3, after January 1, 1960, no contractor shall drill a water well or engage in the occupation of a water well Contractor unless he holds a valid license as a water well Contrac-

tor issued by the Department under this Act. "Nothing contained herein shall prevent or preclude any person not licensed under this Act or his employee from installing or servicing water well pumps, water pumps, water well pumping units, pumping units, pressure tanks and connections thereto after any water well has been drilled.

Section 5. After January 1, 1960 no water well Contractor shall operate a water well drilling rig or permit a well drilling rig owned by him to be operated by any employee unless he holds a valid permit to operate such drilling rig issued by the Department under this Act. A separate permit shall be obtained for each water well drilling rig operated by a licensed water well Contractor during the permit year.

Section 6. There is created in the Department a Board of Water Well Driller Examiners which shall exercise its duties provided in this Act under the supervision of the Department. The Board shall consist of 3 members, designated from time to time by the Director. In making the appointments to the Board, the Director shall consider the recommendation of the Illinois Water Well Driller's Association.

The members of the Board shall be paid at the rate of \$10.00 per day for actual time devoted to their duties and shall be reimbursed for necessary traveling expenses.

The Board shall aid the Director and the Department by:

(a) Preparing subject matter for examinations to test the knowledge and skills of applicants for license in the construction, installation and repair of water wells, well pumps, water pressure storage tanks, connecting piping and related appurtenances, including proper sealing of abandoned water wells, and the rules and regulations of the Department of Public

Health of the State of Illinois under the Public

Water Supply Control Law.

(b) Suggesting rules and regulations to govern examinations and hearings for suspension or revocation of or refusal to issue or renew a license:

(c) Holding examinations of applicants for license at least once a year prior to November

1st in each year;

(d) Holding hearings for the revocation or suspension of, or refusal to issue, renew or reinstate licenses;

(e) Submitting recommendations to the Director from time to time for the efficient admini-

stration of this Act;

(f) Grading all tests and examinations for licenses and promptly reporting the results to the Director; and

(g) Performing such other duties from time

to time prescribed by the Director.

Section 7. The Department shall:

- (a) Fix and announce dates for examinations;
- (b) Prepare forms for application for a water well Contractor's license, which application shall state thereon the scope of the examination as set forth in paragraph (a) of Section 6 of this Act;

(c) Prepare and issue license certificates and

rig permits to those entitled thereto;

(d) With the aid of the Board, prescribe rules and regulations for the conduct of examinations;

- (e) Prescribe rules for hearings to suspend, revoke or reinstate licenses as provided in this Act:
- (f) Maintain a record showing: (1) the names and addresses of licensed well Contractor in this State, (2) the dates of issuance of licenses, (3) the date and substances of the charges set forth in any complaint for suspen-

sion or revocation of any license, (4) the date and substance of all petitions for reinstatement of license, and (5) the final order on such complaints and petitions.

Section 8. Applications for examinations for licenses or for renewal of licenses, applications and for rig permits shall be made to the Department upon forms prescribed and furnished by the Department, shall be in writing, under oath or affirmation, and shall include:

1. The name, age, residence address and business address of the applicant;

2. Evidence of citizenship or the filing of a declaration of intent to become a citizen;

3. The number of drilling rigs for which the applicant desires permits and a brief description of each rig:

4. Number of years experience in the operation of water well drilling rigs and for whom

operated; and

5. Such other information as the Department may require in order for the Department to determine whether the applicant is entitled to hold a license or a rig permit, as the case may be, under this Act.

"Section 9. The Department shall issue a license where the applicant therefor is at least 21 years of age, is a citizen of the United States or has declared his intention to become a citizen, is of good moral character, has had at least two year's experience in the operation of a water well drilling rig, has passed the required examination and has paid the required fee. The Department shall issue rig permits where the applicant therefor has a valid license, has made proper application for a permit and has paid the required fee;

All licenses and rig permits shall be serially numbered and all rig permits shall show the serial number of the license of the licensee in addition its own serial number. Each license shall be signed by the Director of the Department and issued under the seal of the Department.

Section 10. Any person who has been engaged in the occupation, trade or business of a water well contractor within the State of Illinois prior to June 1, 1959, shall, upon application within one year of the effective date of this Act and payment of the required license fee, be issued a water well contractor's license certificate hereunder, without examination. The Director may require such applicant to submit satisfactory proof that he was so engaged prior to such time.

Section 11. None of the functions, powers and duties enumerated in this Act shall be exercised by the Department except upon the action and report in writing of the Board.

The action or report in writing of a majority of the Board shall be sufficient authority upon which the Director may act.

Whenever the Director is satisfied that substantial justice has not been done either in an examination, or in the suspension or revocation of or refusal to restore, issue or renew a license, he may order a re-examination or re-hearing by the same or other examiners.

Section 12. All licenses and permits issued under this Act shall expire on the last day of January next following the date of issuance. A license may be renewed for an ensuing license year without examination by making application therefor and paying the prescribed fee at least 30 days prior to the expiration date of the current license and such application shall extend the period of validity of the current license until a new license is received or the Department refuses to issue a new license under the provisions of this Act.

Section 13. The following fees shall be paid to the Department at the time an application is

for original license......\$50.00 for renewal of license..... 25.00

There shall be no reduction in such fees because a license or rig permit when issued may be valid for less time than a full license or permit year.

Section 14. The licensee shall conspicuously display his license at his principal place of business. Each rig permit shall be made of weatherproof material and shall be firmly attached to the drilling rig for which it was issued.

Section 15. The Department may refuse to issue or renew or may suspend or revoke a license on any one or more of the following grounds:

(1) Material misstatement in the applica-

tion for license:

(2) Failure to have or retain the qualifica-

tions required by Section 9 of this Act;

(3) Wilful disregard or violation of this Act or of any rule or regulation promulgated by the Department pursuant thereto; or of any law of the State of Illinois relating to Water Wells.

(4) Wilfully aiding or abetting another in the violation of this Act or any rule or regulation promulgated by the Department pursuant thereto:

(5) Incompetence in the performance of the work of a water well contractor:

(6) Allowing the use of his license by an un-

licensed person;

(7) Conviction of any crime an essential element of which is misstatement, fraud or dis-

honesty or conviction of any felony;

(8) Making substantial misrepresentations or false promises of a character likely to influence, persuade or induce in connection with the occupation of a water well contractor.

Section 16. The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proved would constitute grounds for refusal, suspension or revocation under this Act, investigate the actions of any applicant or any person or persons holding or claiming to hold a license. The Department shall, before refusing to issue or renew, and before suspension or revocation of a license, at least 10 days prior to the dates set for the hearing, notify in writing the applicant for or holder of a license, hereinafter called the respondent, that a hearing will be held on the date designated to determine whether the respondent is privileged to hold such license, and shall afford the respondent an opportunity to be heard in person or by counsel with reference thereto. Such written notice may be served by delivery of the same personally to the respondent, or by mailing the same by registered or certified mail to the place of business last theretofore specified by the respondent in the last notification to the Department. At the time and place fixed in the notice, the Department shall proceed to hear the charges and both the respondent and the complainant shall be accorded ample opportunity to present in person or by counsel such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. At such hearing, the Director or the person designated by the Director of the Department may administer oaths.

Section 17. The Department, over the signature of the Director, Assistant Director or the person designated by the Director, is authorized to subpoena and bring before the Department any person or persons in this State and to take testimony either orally or by deposition or by exhibit, with the same fees and mileage and in the same manner as prescribed by law in judi-

cial procedure in civil cases in circuit courts of this State.

Section 18. The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case involving the refusal to issue or renew or the suspension or revocation of a license. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony and the orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person or persons interested in such hearing upon payment therefor of 75 cents per page for each carbon copy thereof ordered with the original.

Section 19. In any case involving the refusal to issue or renew or the suspension or revocation of a license the Director of the Department after the hearing, or, if the respondent failed to appear, on the date set for the hearing, shall enter an order of suspension, revocation or refusal, as the case may require, or dismiss the case, a copy of which order shall be served upon the respondent by the Department, either personally or by registered or certified mail as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the respondent may present to the Department a motion in writing for a re-hearing, which written motion shall specify the particular grounds therefor. If no motion for re-hearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial, the original order of the Director shall become final. No more than one rehearing shall be allowed. If the respondent shall order and pay for a transcript of the record within the time for filing a motion for rehearing, then the 20 day period within which such a motion may be filed shall commence upon the delivey of the transcript to the respondent.

Section 20. Any circuit or superior court or any judge thereof, either in term time or vacation, may, upon application of the Director of the Department or of the applicant or licensee against whom proceedings under this Act are pending, enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books and records in connection with any hearing in any proceedings under this Act. The Court or judge may compel obedience to its or his order by proceedings for contempt.

Section 21. Any person affected by a final administrative decision of the Department may have such decision reviewed judicially by the circuit or superior court of the county wherein such person resides. If the plaintiff in the review proceedings is not a resident of this State, the venue shall be in Sangamon County. The provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder. The term "administrative decision" is defined as in Section 1 of said "Administrative Review Act".

The Department shall not be required to certify the record of the proceedings unless the plaintiff in the review proceedings shall first pay to the Department the sum of 75 cents per page of such record. Exhibits shall be certified without cost.

Section 22. Appeals from all final orders and judgments of the circuit or superior court under the "Administrative Review Act" may be taken directly to the Supreme Court in the same manner as other civil cases appealed directly to the Supreme Court.

Section 23. Upon the revocation or suspension of any license, the licensee shall forthwith surrender the licensee to the Department, and if the licensee fails to do so, the Department shall have the right to seize the same.

Section 24. The Department may issue regulations, consistent with the provisions of this Act, for the administration and enforcement thereof and may prescribe forms which shall be used in connection therewith.

Section 25. No action or counterclaim shall be maintained by any contractor in any court in this state with respect to any agreement, work, labor or materials for which a license is required by this Act or to recover the agreed price or any compensation under any such agreement, or for any such work, labor or materials for which a license is required by this Act without alleging and proving that such contractor had a valid license at the time of making such agreement and of supplying such labor, work or materials.

Section 26. If any person has violated or is violating the provisions of this Act, the Director of the Department may, in the name of the people of the State of Illinois, through the Attorney General of the State of Illinois, or the State's Attorney of any county in the State of Illinois, apply, in any court of competent jurisdiction, for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in such court, the court or any judge thereof, if

satisfied by affidavit or otherwise that such person has violated this Act, may issue a temporary injunction, without notice or bond, enjoining such violation. The proceedings shall thereafter be conducted as in other civil cases. If it is established that such person has violated or is violating this Act, the Court, or any judge thereof, may enter a decree perpetually enjoining such violation or enforcing compliance with this Act. In case of violation of any order or decree issued under the provisions of this Section, the Court, or any judge thereof, may summarily try and punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

Section 27. Whoever violates any provision of this Act shall be fined not to exceed \$500. Such fine shall be in addition to any other action that may be taken under this Act.

Section 28. If, for any reason, any part of this Act is found to be unconstitutional or invalid, such finding shall not affect the validity of the remaining parts of the Act.



(3208-9-59)





THE ILLINOIS

Water Well Contractor's License Act I-2 Gw

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WILLIAM G. STRATTON GOVERNOR



DEPARTMENT OF REGISTRATION AND EDUCATION VERA M. BINKS, Director

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1960 CONTRACTORS ACT

AN ACT to license and regulate water well Contractors and to provide penalties for the violation thereof, and to make an appropriation therefor. (Approved July 21, 1959)

WHEREAS, because there is an ever increasing shortage of water supply in this State it is imperative that the health and general welfare be protected by providing a means for the development of the natural resource of underground water in an orderly, sanitary and reasonable manner without waste so that sufficient sanitary supplies for continued population growth and for future generations may be assured; and to this end it is essential that Contractors engaged in water well drilling cooperate with the State of Illinois in procuring information necessary to provide for the development of proper ground water resources; therefore

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license required by Section 4 of this Act; "Rig permit" and "permit" mean a permit to operate a water well drilling rig required by Section 5 of this Act.

Section 3. This Act shall not apply: (1) to an individual who drills a water well on land which is owned or leased by him and is used by him for farming purposes or as his place of abode; or

(2) to an individual who performs labor or services for a licensed water well Contractor in connection with the drilling of a water well at the direction and under the personal supervision of a licensed water well Contractor.

Section 4. Subject to the provisions of Section 3, after January 1, 1960, no contractor shall drill a water well or engage in the occupation of a water well Contractor unless he holds a valid license as a water well Contractor issued by the Department under this Act. "Nothing contained herein shall prevent or preclude any person not licensed under this Act or his employee from installing or servicing water well pumps, water pumps, water well pumping units, pumping units, pressure tanks and connections thereto after any water well has been drilled.

Section 5. After January 1, 1960 no water well Contractor shall operate a water well drilling rig or permit a well drilling rig owned by him to be operated by any employee unless he holds a valid permit to operate such drilling rig issued by the Department under this Act. A separate permit shall be obtained for each water well drilling rig operated by a licensed water well Contractor during the permit year.

Section 6. There is created in the Department a Board of Water Well Driller Examiners which shall exercise its duties provided in this Act under the supervision of the Department. The Board shall consist of 3 members, designated from time to time by the Director. In making the appointments to the Board, the Director shall consider the recommendation of the Illinois Water Well Driller's Association.

The members of the Board shall be paid at the rate of \$10.00 per day for actual time devoted to their duties and shall be reimbursed for necessary traveling expenses.

The Board shall aid the Director and the Department by:

(a) Preparing subject matter for examinations to test the knowledge and skills of applicants for license in the construction, installation and repair of water wells, well pumps, water pressure storage tanks, connecting piping and related appurtenances, including proper sealing of abandoned water wells, and the rules and regulations of the Department of Public

Health of the State of Illinois under the Public

Water Supply Control Law.

(b) Suggesting rules and regulations to govern examinations and hearings for suspension or revocation of or refusal to issue or renew a license:

(c) Holding examinations of applicants for license at least once a year prior to November

1st in each year;

(d) Holding hearings for the revocation or suspension of, or refusal to issue, renew or reinstate licenses:

(e) Submitting recommendations to the Director from time to time for the efficient admini-

stration of this Act;

(f) Grading all tests and examinations for licenses and promptly reporting the results to the Director: and

(g) Performing such other duties from time

to time prescribed by the Director.

Section 7. The Department shall:

- (a) Fix and announce dates for examinations:
- (b) Prepare forms for application for a water well Contractor's license, which application shall state thereon the scope of the examination as set forth in paragraph (a) of Section 6 of this Act;

(c) Prepare and issue license certificates and

rig permits to those entitled thereto;

- (d) With the aid of the Board, prescribe rules and regulations for the conduct of examinations;
- (e) Prescribe rules for hearings to suspend, revoke or reinstate licenses as provided in this Act:
- (f) Maintain a record showing: (1) the names and addresses of licensed well Contractor in this State, (2) the dates of issuance of licenses, (3) the date and substances of the charges set forth in any complaint for suspen-

sion or revocation of any license, (4) the date and substance of all petitions for reinstatement of license, and (5) the final order on such complaints and petitions.

Section 8. Applications for examinations for licenses or for renewal of licenses, applications and for rig permits shall be made to the Department upon forms prescribed and furnished by the Department, shall be in writing, under oath or affirmation, and shall include:

1. The name, age, residence address and business address of the applicant;

2. Evidence of citizenship or the filing of a

declaration of intent to become a citizen;

3. The number of drilling rigs for which the applicant desires permits and a brief description of each rig;

4. Number of years experience in the operation of water well drilling rigs and for whom

operated; and

5. Such other information as the Department may require in order for the Department to determine whether the applicant is entitled to hold a license or a rig permit, as the case may be, under this Act.

Section 9. The Department shall issue a license where the applicant therefor is at least 21 years of age, is a citizen of the United States or has declared his intention to become a citizen, is of good moral character, has had at least two year's experience in the operation of a water well drilling rig, has passed the required examination and has paid the required fee. The Department shall issue rig permits where the applicant therefor has a valid license, has made proper application for a permit and has paid the required fee;

All licenses and rig permits shall be serially numbered and all rig permits shall show the serial number of the license of the license in addition its own serial number. Each license shall

be signed by the Director of the Department and issued under the seal of the Department.

Section 10. Any person who has been engaged in the occupation, trade or business of a water well contractor within the State of Illinois prior to June 1, 1959, shall, upon application within one year of the effective date of this Act and payment of the required license fee, be issued a water well contractor's license certificate hereunder, without examination. The Director may require such applicant to submit satisfactory proof that he was so engaged prior to such time.

Section 11. None of the functions, powers and duties enumerated in this Act shall be exercised by the Department except upon the action and report in writing of the Board.

The action or report in writing of a majority of the Board shall be sufficient authority upon which the Director may act.

Whenever the Director is satisfied that substantial justice has not been done either in an examination, or in the suspension or revocation of or refusal to restore, issue or renew a license, he may order a re-examination or re-hearing by the same or other examiners.

Section 12. All licenses and permits issued under this Act shall expire on the last day of January next following the date of issuance. A license may be renewed for an ensuing license year without examination by making application therefor and paying the prescribed fee at least 30 days prior to the expiration date of the current license and such application shall extend the period of validity of the current license until a new license is received or the Department refuses to issue a new license under the provisions of this Act.

Section 13. The following fees shall be paid to the Department at the time an application is

for original license......\$50.00 for renewal of license..... 25.00 for each rig permit.....

There shall be no reduction in such fees because a license or rig permit when issued may be valid for less time than a full license or permit year.

Section 14. The licensee shall conspicuously display his license at his principal place of business. Each rig permit shall be made of weatherproof material and shall be firmly attached to the drilling rig for which it was issued.

Section 15. The Department may refuse to issue or renew or may suspend or revoke a license on any one or more of the following grounds:

(1) Material misstatement in the applica-

tion for license:

(2) Failure to have or retain the qualifica-

tions required by Section 9 of this Act;

(3) Wilful disregard or violation of this Act or of any rule or regulation promulgated by the Department pursuant thereto; or of any law of the State of Illinois relating to Water Wells.

(4) Wilfully aiding or abetting another in the violation of this Act or any rule or regulation promulgated by the Department pursuant thereto:

(5) Incompetence in the performance of the

work of a water well contractor:

(6) Allowing the use of his license by an un-

licensed person:

(7) Conviction of any crime an essential element of which is misstatement, fraud or dishonesty or conviction of any felony;

(8) Making substantial misrepresentations or false promises of a character likely to influence. persuade or induce in connection with the occupation of a water well contractor.

Section 16. The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proved would constitute grounds for refusal, suspension or revocation under this Act. investigate the actions of any applicant or any person or persons holding or claiming to hold a license. The Department shall, before refusing to issue or renew, and before suspension or revocation of a license, at least 10 days prior to the dates set for the hearing, notify in writing the applicant for or holder of a license. hereinafter called the respondent, that a hearing will be held on the date designated to determine whether the respondent is privileged to hold such license, and shall afford the respondent an opportunity to be heard in person or by counsel with reference thereto. Such written notice may be served by delivery of the same personally to the respondent, or by mailing the same by registered or certified mail to the place of business last theretofore specified by the respondent in the last notification to the Department. At the time and place fixed in the notice. the Department shall proceed to hear the charges and both the respondent and the complainant shall be accorded ample opportunity to present in person or by counsel such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. At such hearing, the Director or the person designated by the Director of the Department may administer oaths.

Section 17. The Department, over the signature of the Director, Assistant Director or the person designated by the Director, is authorized to subpoena and bring before the Department any person or persons in this State and to take testimony either orally or by deposition or by exhibit, with the same fees and mileage and in the same manner as prescribed by law in judi-

cial procedure in civil cases in circuit courts of this State.

Section 18. The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case involving the refusal to issue or renew or the suspension or revocation of a license. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony and the orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person or persons interested in such hearing upon payment therefor of 75 cents per page for each original transcript and 40 cents per page for each carbon copy thereof ordered with the original.

Section 19. In any case involving the refusal to issue or renew or the suspension or revocation of a license the Director of the Department after the hearing, or, if the respondent failed to appear, on the date set for the hearing, shall enter an order of suspension, revocation or refusal, as the case may require, or dismiss the case, a copy of which order shall be served upon the respondent by the Department, either personally or by registered or certified mail as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the respondent may present to the Department a motion in writing for a re-hearing, which written motion shall specify the particular grounds therefor. If no motion for re-hearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial, the original order of the Director shall become final. No more than one rehearing shall be allowed. If the respondent shall order and pay for a transcript of the record within the time for filing a motion for rehearing, then the 20 day period within which such a motion may be filed shall commence upon the delivey of the transcript to the respondent.

Section 20. Any circuit or superior court or any judge thereof, either in term time or vacation, may, upon application of the Director of the Department or of the applicant or licensee against whom proceedings under this Act are pending, enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books and records in connection with any hearing in any proceedings under this Act. The Court or judge may compel obedience to its or his order by proceedings for contempt.

Section 21. Any person affected by a final administrative decision of the Department may have such decision reviewed judicially by the circuit or superior court of the county wherein such person resides. If the plaintiff in the review proceedings is not a resident of this State, the venue shall be in Sangamon County. The provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder. The term "administrative decision" is defined as in Section 1 of said "Administrative Review Act".

The Department shall not be required to certify the record of the proceedings unless the plaintiff in the review proceedings shall first pay to the Department the sum of 75 cents per page of such record. Exhibits shall be certified without cost.

Section 22. Appeals from all final orders and judgments of the circuit or superior court under the "Administrative Review Act" may be taken directly to the Supreme Court in the same manner as other civil cases appealed directly to the Supreme Court.

Section 23. Upon the revocation or suspension of any license, the licensee shall forthwith surrender the licensee to the Department, and if the licensee fails to do so, the Department shall have the right to seize the same.

Section 24. The Department may issue regulations, consistent with the provisions of this Act, for the administration and enforcement thereof and may prescribe forms which shall be used in connection therewith.

Section 25. No action or counterclaim shall be maintained by any contractor in any court in this state with respect to any agreement, work, labor or materials for which a license is required by this Act or to recover the agreed price or any compensation under any such agreement, or for any such work, labor or materials for which a license is required by this Act without alleging and proving that such contractor had a valid license at the time of making such agreement and of supplying such labor, work or materials.

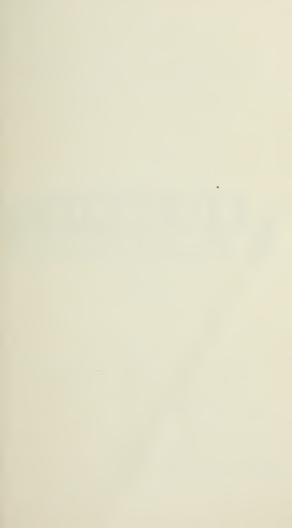
Section 26. If any person has violated or is violating the provisions of this Act, the Director of the Department may, in the name of the people of the State of Illinois, through the Attorney General of the State of Illinois, or the State's Attorney of any county in the State of Illinois, apply, in any court of competent jurisdiction, for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in such court, the court or any judge thereof, if

satisfied by affidavit or otherwise that such person has violated this Act, may issue a temporary injunction, without notice or bond, enjoining such violation. The proceedings shall thereafter be conducted as in other civil cases. If it is established that such person has violated or is violating this Act, the Court, or any judge thereof, may enter a decree perpetually enjoining such violation or enforcing compliance with this Act. In case of violation of any order or decree issued under the provisions of this Section, the Court, or any judge thereof, may summarily try and punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

Section 27. Whoever violates any provision of this Act shall be fined not to exceed \$500. Such fine shall be in addition to any other action that may be taken under this Act.

Section 28. If, for any reason, any part of this Act is found to be unconstitutional or invalid, such finding shall not affect the validity of the remaining parts of the Act.

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Water Well Contractor's
License Act

STATE OF ILLINOIS
OTTO KERNER, Governor



DEPARTMENT OF
REGISTRATION AND EDUCATION
WILLIAM SYLVESTER WHITE, Director

THE LEGISLEY OF THE

SPRINGFIEL MAY 2 1 1964

(Printed by Authority of the State of Illinois)

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THE ILLINOIS WATER WELL CONTRACTORS ACT

AN ACT to license and regulate water well Contractors and to provide penalties for the violation thereof, and to make an appropriation therefor. (Approved July 21, 1959)

WHEREAS, because there is an ever increasing shortage of water supply in this State it is imperative that the health and general welfare be protected by providing a means for the development of the natural resource of underground water in an orderly, sanitary and reasonable manner without waste so that sufficient sanitary supplies for continued population growth and for future generations may be assured; and to this end it is essential that Contractors engaged in water well drilling cooperate with the State of Illinois in procuring information necessary to provide for the development of proper ground water resources; therefore

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. This Act shall be known and may be cited as the "Water Well Contractor's License Act".

Section 2. As used in this Act, unless the context otherwise requires: "Water well" and "well" mean any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the location, diversion, artificial recharge, or acquistion of ground water, but such term does not include an excavation made for the purpose of obtaining or prospecting for oil, natural gas, minerals or products of mining or quarrying or for inserting media to repressure oil or natural gas bearing formation or for storing petroleum, natural gas or other products; "Ground water" means water

of under-ground streams, channels, artesian basins, reservoirs, lakes and other water under the surface of the ground whether percolating or otherwise;

"Drill" and "drilling" mean all acts necessary to the construction of a water well including the sealing of unused water well holes;

"Water well Contractor" and "Contractor" mean any person who contracts to drill, alter or repair any water well;

"Water well drilling rig" means the machin-

ery used in drilling a water well;

"Department" means the Department of Registration and Education of this State;

"Director" means the Director of the Depart-

ment of Registration and Education;

"Board" means the Board of Water Well Contractor Examiners created by Section 6 of this Act;

"Person" includes any natural person, partnership, association, trust and public or private corporation;

"License" means a water well Contractor's

license required by Section 4 of this Act;

"Rig permit" and "permit" mean a permit to operate a water well drilling rig required by Section 5 of this Act.

Section 3. This Act shall not apply: (1) to an individual who drills a water well on land which is owned or leased by him and is used by him for farming purposes or as his place of abode; or

(2) to an individual who performs labor or services for a licensed water well Contractor in connection with the drilling of a water well at the direction and under the personal supervision of a licensed water well Contractor.

Section 4. Subject to the provisions of Section 3, after January 1, 1960, no contractor shall drill a water well or engage in the occupation of a water well Contractor unless he holds a valid license as a water well Contrac-

tor issued by the Department under this Act. "Nothing contained herein shall prevent or preclude any person not licensed under this Act or his employee from installing or servicing water well pumps, water pumps, water well pumping units, pumping units, pressure tanks and connections thereto after any water well has been drilled.

Section 5. After January 1, 1960 no water well Contractor shall operate a water well drilling rig or permit a well drilling rig owned by him to be operated by any employee unless he holds a valid permit to operate such drilling rig issued by the Department under this Act. A separate permit shall be obtained for each water well drilling rig operated by a licensed water well Contractor during the permit year.

Section 6. There is created in the Department a Board of Water Well Driller Examiners which shall exercise its duties provided in this Act under the supervision of the Department. The Board shall consist of 3 members, designated from time to time by the Director. In making the appointments to the Board, the Director shall consider the recommendation of the Illinois Water Well Driller's Association.

The members of the Board shall be paid at the rate of \$10.00 per day for actual time devoted to their duties and shall be reimbursed for necessary traveling expenses.

The Board shall aid the Director and the Department by:

(a) Preparing subject matter for examinations to test the knowledge and skills of applicants for license in the construction, installation and repair of water wells, well pumps, water pressure storage tanks, connecting piping and related appurtenances, including proper sealing of abandoned water wells, and the rules and regulations of the Department of Public

Health of the State of Illinois under the Public

Water Supply Control Law.

(b) Suggesting rules and regulations to govern examinations and hearings for suspension or revocation of or refusal to issue or renew a license:

(c) Holding examinations of applicants for license at least once a year prior to November

1st in each year;

(d) Holding hearings for the revocation or suspension of, or refusal to issue, renew or reinstate licenses:

(e) Submitting recommendations to the Director from time to time for the efficient admini-

stration of this Act;

(f) Grading all tests and examinations for licenses and promptly reporting the results to the Director: and

(g) Performing such other duties from time

to time prescribed by the Director.

Section 7. The Department shall:

- (a) Fix and announce dates for examinations;
- (b) Prepare forms for application for a water well Contractor's license, which application shall state thereon the scope of the examination as set forth in paragraph (a) of Section 6 of this Act;

(c) Prepare and issue license certificates and

rig permits to those entitled thereto;

- (d) With the aid of the Board, prescribe rules and regulations for the conduct of examinations:
- (e) Prescribe rules for hearings to suspend, revoke or reinstate licenses as provided in this Act:
- (f) Maintain a record showing: (1) the names and addresses of licensed well Contractor in this State, (2) the dates of issuance of licenses, (3) the date and substances of the charges set forth in any complaint for suspen-

sion or revocation of any license, (4) the date and substance of all petitions for reinstatement of license, and (5) the final order on such complaints and petitions.

Section 8. Applications for examinations for licenses or for renewal of licenses, applications and for rig permits shall be made to the Department upon forms prescribed and furnished by the Department, shall be in writing, under oath or affirmation, and shall include:

1. The name, age, residence address and business address of the applicant;

2. Evidence of citizenship or the filing of a

declaration of intent to become a citizen;

3. The number of drilling rigs for which the applicant desires permits and a brief description of each rig;

4. Number of years experience in the operation of water well drilling rigs and for whom

operated; and

5. Such other information as the Department may require in order for the Department to determine whether the applicant is entitled to hold a license or a rig permit, as the case may be, under this Act.

Section 9. The Department shall issue a license where the applicant therefor is at least 21 years of age, is a citizen of the United States or has declared his intention to become a citizen, is of good moral character, has had at least two year's experience in the operation of a water well drilling rig, has passed the required examination and has paid the required fee. The Department shall issue rig permits where the applicant therefor has a valid license, has made proper application for a permit and has paid the required fee;

All licenses and rig permits shall be serially numbered and all rig permits shall show the serial number of the license of the licensee in addition its own serial number. Each license shall be signed by the Director of the Department and issued under the seal of the Department.

Section 10. Any person who has been engaged in the occupation, trade or business of a water well contractor within the State of Illinois prior to June 1, 1959, shall, upon application within one year of the effective date of this Act and payment of the required license fee, be issued a water well contractor's license certificate hereunder, without examination. The Director may require such applicant to submit satisfactory proof that he was so engaged prior to such time.

Section 11. None of the functions, powers and duties enumerated in this Act shall be exercised by the Department except upon the action and report in writing of the Board.

The action or report in writing of a majority of the Board shall be sufficient authority upon which the Director may act.

Whenever the Director is satisfied that substantial justice has not been done either in an examination, or in the suspension or revocation of or refusal to restore, issue or renew a license, he may order a re-examination or re-hearing by the same or other examiners.

Section 12. All licenses and permits issued under this Act shall expire on the last day of January next following the date of issuance. A license may be renewed for an ensuing license year without examination by making application therefor and paying the prescribed fee at least 30 days prior to the expiration date of the current license and such application shall extend the period of validity of the current license until a new license is received or the Department refuses to issue a new license under the provisions of this Act.

Section 13. The following fees shall be paid to the Department at the time an application is made:

for original license...\$50.00 for renewal of license...\$25.00 for each rig permit...\$15.00

There shall be no reduction in such fees because a license or rig permit when issued may be valid for less time than a full license or permit year.

Section 14. The licensee shall conspicuously display his license at his principal place of business. Each rig permit shall be made of weather-proof material and shall be firmly attached to the drilling rig for which it was issued.

Section 15. The Department may refuse to issue or renew or may suspend or revoke a license on any one or more of the following grounds;

(1) Material misstatement in the applica-

tion for license;

(2) Failure to have or retain the qualifica-

tions required by Section 9 of this Act;

(3) Wilful disregard or violation of this Act or of any rule or regulation promulgated by the Department pursuant thereto; or of any law of the State of Illinois relating to Water Wells.

(4) Wilfully aiding or abetting another in the violation of this Act or any rule or regulation promulgated by the Department pursuant thereto;

(5) Incompetence in the performance of the

work of a water well contractor;

(6) Allowing the use of his license by an unlicensed person:

(7) Conviction of any crime an essential element of which is misstatement, fraud or dis-

honesty or conviction of any felony;

(8) Making substantial misrepresentations or false promises of a character likely to influence, persuade or induce in connection with the occupation of a water well contractor.

Section 16. The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proved would constitute grounds for refusal, suspension or revocation under this Act, investigate the actions of any applicant or any person or persons holding or claiming to hold a license. The Department shall, before refusing to issue or renew, and before suspension or revocation of a license, at least 10 days prior to the dates set for the hearing, notify in writing the applicant for or holder of a license, hereinafter called the respondent, that a hearing will be held on the date designated to determine whether the respondent is privileged to hold such license, and shall afford the respondent an opportunity to be heard in person or by counsel with reference thereto. Such written notice may be served by delivery of the same personally to the respondent, or by mailing the same by registered or certified mail to the place of business last theretofore specified by the respondent in the last notification to the Department. At the time and place fixed in the notice, the Department shall proceed to hear the charges and both the respondent and the complainant shall be accorded ample opportunity to present in person or by counsel such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. At such hearing, the Director or the person designated by the Director of the Department may administer oaths.

Section 17. The Department, over the signature of the Director, Assistant Director or the person designated by the Director, is authorized to subpoena and bring before the Department any person or persons in this State and to take testimony either orally or by deposition or by exhibit, with the same fees and mileage and in the same manner as prescribed by law in judi-

cial procedure in civil cases in circuit courts of this State.

Section 18. The Department, at its expense. shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case involving the refusal to issue or renew or the suspension or revocation of a license. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony and the orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person or persons interested in such hearing upon payment therefor of 75 cents per page for each original transcript and 40 cents per page for each carbon copy thereof ordered with the original.

Section 19. In any case involving the refusal to issue or renew or the suspension or revocation of a license the Director of the Department after the hearing, or, if the respondent failed to appear, on the date set for the hearing, shall enter an order of suspension, revocation or refusal, as the case may require, or dismiss the case, a copy of which order shall be served upon the respondent by the Department, either personally or by registered or certified mail as provided in this Act for the service of the notice of hearing. Within 20 days after such service. the respondent may present to the Department a motion in writing for a re-hearing, which written motion shall specify the particular grounds therefor. If no motion for re-hearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial, the original order of the Director shall become final. No more than one rehearing shall be allowed. If the respondent shall order and pay for a transcript of the record within the time for filing a motion for rehearing, then the 20 day period within which such a motion may be filed shall commence upon the delivey of the transcript to the respondent.

Section 20. Any circuit or superior court or any judge thereof, either in term time or vacation, may, upon application of the Director of the Department or of the applicant or licensee against whom proceedings under this Act are pending, enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books and records in connection with any hearing in any proceedings under this Act. The Court or judge may compel obedience to its or his order by proceedings for contempt.

Section 21. Any person affected by a final administrative decision of the Department may have such decision reviewed judicially by the circuit or superior court of the county wherein such person resides. If the plaintiff in the review proceedings is not a resident of this State, the venue shall be in Sangamon County. The provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder. The term "administrative decision" is defined as in Section 1 of said "Administrative Review Act".

The Department shall not be required to certify the record of the proceedings unless the plaintiff in the review proceedings shall first pay to the Department the sum of 75 cents per page of such record. Exhibits shall be certified without cost.

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Section 23. Upon the revocation or suspension of any license, the licensee shall forthwith surrender the license to the Department, and if the licensee fails to do so, the Department shall have the right to seize the same.

Section 24. The Department may issue regulations, consistent with the provisions of this Act, for the administration and enforcement thereof and may prescribe forms which shall be used in connection therewith.

Section 25. No action or counterclaim shall be maintained by any contractor in any court in this state with respect to any agreement, work, labor or materials for which a license is required by this Act or to recover the agreed price or any compensation under any such agreement, or for any such work, labor or materials for which a license is required by this Act without alleging and proving that such contractor had a valid license at the time of making such agreement and of supplying such labor, work or materials.

Section 26. If any person has violated or is violating the provisions of this Act, the Director of the Department may, in the name of the people of the State of Illinois, through the Attorney General of the State of Illinois, or the State's Attorney of any county in the State of Illinois, apply, in any court of competent jurisdiction, for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in such court, the court or any judge thereof, if

satisfied by affidavit or otherwise that such person has violated this Act, may issue a temporary injunction, without notice or bond, enjoining such violation. The proceedings shall thereafter be conducted as in other civil cases. If it is established that such person has violated or is violating this Act, the Court, or any judge thereof, may enter a decree perpetually enjoining such violation or enforcing compliance with this Act. In case of violation of any order or decree issued under the provisions of this Section, the Court, or any judge thereof, may summarily try and punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

Section 27. Whoever violates any provision of this Act shall be fined not to exceed \$500. Such fine shall be in addition to any other action that may be taken under this Act.

Section 28. If, for any reason, any part of this Act is found to be unconstitutional or invalid, such finding shall not affect the validity of the remaining parts of the Act.



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1965
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THE ILLINOIS
Water Well Contractors
License Act

STATE OF ILLINOIS OTTO KERNER, Governor



DEPARTMENT OF REGISTRATION AND EDUCATION JOHN C. WATSON, Director

SPRINGFIELD 1965

(Printed by Authority of the State of Illinois)

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THE ILLINOIS WATER WELL

THE ILLINOIS WATER WELL CONTRACTORS ACT

AN ACT to license and regulate water well Contractors and to provide penalties for the violation thereof, and to make an appropriation therefor. (Approved July 21, 1959)

WHEREAS, because there is an ever increasing shortage of water supply in this State it is imperative that the health and general welfare be protected by providing a means for the development of the natural resource of underground water in an orderly, sanitary and natural resource of reasonable manner without waste so that sufficient sanitary supplies for continued population growth and for future generations may be assured; and to this end it is essential that Contractors engaged in water well drilling operate with the State of Illing. ment of proper ground water resources: therefore

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. This Act shall be known and may be cited as the "Water Well Contractor's License Act".

Section 2. As used in this Act, unless the context otherwise requires: "Water well" and "well" mean any excavation that is drilled. cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the location, diversion, artificial recharge, or acquistion of ground water, but such term does not include an excavation made for the purpose of obtaining or prospecting for oil, natural gas, minerals or products of mining or quarrying or for inserting media to repressure oil or natural gas bearing formation or for storing petroleum, natural gas or other products; "Ground water" means water of under-ground streams, channels, artesian basins, reservoirs, lakes and other water under the surface of the ground whether percolating or otherwise:

"Drill" and "drilling" mean all acts necessary to the construction of a water well including the sealing of unused water well holes;

"Water well Contractor" and "Contractor" mean any person who contracts to drill, alter or repair any water well:

"Water well drilling rig" means the machin-

ery used in drilling a water well;

"Department" means the Department of Registration and Education of this State:

"Director" means the Director of the Department of Registration and Education;

"Board" means the Board of Water Well Contractor Examiners created by Section 6 of this

Act:

"Person" includes any natural person, partnership, association, trust and public or private corporation:

"License" means a water well Contractor's

license required by Section 4 of this Act;

"Rig permit" and "permit" mean a permit to operate a water well drilling rig required by Section 5 of this Act.

Section 3. This Act shall not apply: (1) to an individual who drills a water well on land which is owned or leased by him and is used by him for farming purposes or as his place of abode; or

(2) to an individual who performs labor or services for a licensed water well Contractor in connection with the drilling of a water well at the direction and under the personal supervision of a licensed water well Contractor.

Section 4. Subject to the provisions of Section 3, after January 1, 1960, no contractor shall drill a water well or engage in the occupation of a water well Contractor unless he holds a valid license as a water well Contractor issued by the Department under this Act. Nothing contained herein shall prevent or preclude any person not licensed under this Act or his employee from installing or servicing water well pumps, water pumps, water well pumping units, pumping units, pressure tanks and connections thereto after any water well has been drilled.

Section 5. After January 1, 1960 no water well Contractor shall operate a water well drilling rig or permit a well drilling rig owned by him to be operated by any employee unless he holds a valid permit to operate such drilling rig issued by the Department under this Act. A separate permit shall be obtained for each water well drilling rig operated by a licensed water well Contractor during the permit year.

Section 6. There is created in the Department a Board of Water Well Driller Examiners which shall exercise its duties provided in this Act under the supervision of the Department. The Board shall consist of 3 members, designated from time to time by the Director. In making the appointments to the Board, the Director shall consider the recommendation of the Illinois Water Well Driller's Association.

The members of the Board shall be paid at the rate of \$10.00 per day for actual time devoted to their duties and shall be reimbursed for necessary traveling expenses.

The Board shall aid the Director and the Department by:

(a) Preparing subject matter for examinations to test the knowledge and skills of applicants for license in the construction, installation and repair of water wells, well pumps, water pressure storage tanks, connecting piping and related appurtenances, including proper sealing of abandoned water wells, and the rules and regulations of the Department of Public

Health of the State of Illinois under the Public

Water Supply Control Law.

(b) Suggesting rules and regulations to govern examinations and hearings for suspension or revocation of or refusal to issue or renew a license;

(c) Holding examinations of applicants for license at least once a year prior to November

1st in each year;

(d) Holding hearings for the revocation or suspension of, or refusal to issue, renew or reinstate licenses:

(e) Submitting recommendations to the Director from time to time for the efficient admini-

stration of this Act;

(f) Grading all tests and examinations for licenses and promptly reporting the results to the Director: and

(g) Performing such other duties from time

to time prescribed by the Director.

Section 7. The Department shall:

- (a) Fix and announce dates for examinations;
- (b) Prepare forms for application for a water well Contractor's license, which application shall state thereon the scope of the examination as set forth in paragraph (a) of Section 6 of this Act;

(c) Prepare and issue license certificates and

rig permits to those entitled thereto;

- (d) With the aid of the Board, prescribe rules and regulations for the conduct of examinations;
- (e) Prescribe rules for hearings to suspend, revoke or reinstate licenses as provided in this Act;
- (f) Maintain a record showing: (1) the names and addresses of licensed well Contractor in this State, (2) the dates of issuance of licenses, (3) the date and substances of the charges set forth in any complaint for suspen-

sion or revocation of any license, (4) the date and substance of all petitions for reinstatement of license, and (5) the final order on such complaints and petitions.

Section 8. Applications for examinations for licenses or for renewal of licenses, and applications for rig permits shall be made to the Department upon forms prescribed and furnished by the Department, shall be in writing, under oath or affirmation, and shall include:

1. The name, age, residence address and business address of the applicant;

2. Evidence of citizenship or the filing of a declaration of intent to become a citizen:

3. The number of drilling rigs for which the applicant desires permits and a brief description

of each rig;

4. Number of years experience in the operation of water well drilling rigs and for whom

operated; and

5. Such other information as the Department may require in order for the Department to determine whether the applicant is entitled to hold a license or a rig permit, as the case may be, under this Act.

Section 9. The Department shall issue a license where the applicant therefor is at least 21 years of age, is a citizen of the United States or has declared his intention to become a citizen, is of good moral character, has had at least two year's experience in the operation of a water well drilling rig, has passed the required examination and has paid the required fee. The Department shall issue rig permits where the applicant therefor has a valid license, has made proper application for a permit and has paid the required fee;

All licenses and rig permits shall be serially numbered and all rig permits shall show the serial number of the license of the licensee in addition its own serial number. Each license shall be signed by the Director of the Department and issued under the seal of the Department.

Section 10. Any person who has been engaged in the occupation, trade or business of a water well contractor within the State of Illinois prior to June 1, 1959, shall, upon application within one year of the effective date of this Act and payment of the required license fee, be issued a water well contractor's license certificate hereunder, without examination. The Director may require such applicant to submit satisfactory proof that he was so engaged prior to such time.

Section 11. None of the functions, powers and duties enumerated in this Act shall be exercised by the Department except upon the action and report in writing of the Board.

The action or report in writing of a majority of the Board shall be sufficient authority upon which the Director may act.

Whenever the Director is satisfied that substantial justice has not been done either in an examination, or in the suspension or revocation of or refusal to restore, issue or renew a license, he may order a re-examination or re-hearing by the same or other examiners.

Section 12. All licenses and permits issued under this Act shall expire on the last day of January next following the date of issuance. A license may be renewed for an ensuing license year without examination by making application therefor and paying the prescribed fee at least 30 days prior to the expiration date of the current license and such application shall extend the period of validity of the current license until a new license is received or the Department refuses to issue a new license under the provisions of this Act.

Section 13. The following fees shall be paid to the Department at the time an application is made:

for original license. \$50.00 for renewal of license. 25.00 for each rig permit. 15.00

There shall be no reduction in such fees because a license or rig permit when issued may be valid for less time than a full license or permit year.

Section 14. The licensee shall conspicuously display his license at his principal place of business. Each rig permit shall be made of weather-proof material and shall be firmly attached to the drilling rig for which it was issued.

Section 15. The Department may refuse to issue or renew or may suspend or revoke a license on any one or more of the following grounds:

(1) Material misstatement in the applica-

tion for license;

(2) Failure to have or retain the qualifica-

tions required by Section 9 of this Act;

(3) Wilful disregard or violation of this Act or of any rule or regulation promulgated by the Department pursuant thereto; or disregard or violation of any law of the State of Illinois or of any rule or regulation promulgated pursuant thereto relating to Water Wells; including disregard or violation of the Illinois Pump Installation Code, or any rule or regulation promulgated pursuant thereto;

(4) Wilfully aiding or abetting another in the violation of this Act or any rule or regulation promulgated by the Department pursuant

thereto;

(5) Incompetence in the performance of the work of a water well contractor;

(6) Allowing the use of his license by an

unlicensed person:

(7) Conviction of any crime an essential element of which is misstatement, fraud or dishonesty or conviction of any felony:

(8) Making substantial misrepresentations or fa'se promises of a character likely to influence, persuade or induce in connection with the occupation of a water well contractor. (Amended by Act approved August 20, 1965)

Section 16. The Department may upon its own motion and shall upon the receipt of notification from the Director of the Department of Public Health or upon the verified complaint in writing of any person, setting forth facts which, if proved, would constitute grounds for refusal, suspension or revocation under this Act, investigate the actions of any applicant or any person or persons holding or claiming to hold a license. The Department shall, before refusing to issue or renew, and before suspension or revocation of a license, at least 10 days prior to the date set for the hearing, notify in writing the applicant for or holder of a license, hereinafter called the respondent, that a hearing will be held on the date designated to determine whether the respondent is privileged to hold such license, and shall afford the respondent an opportunity to be heard in person or by counsel with reference thereto. Such written notice may be served by delivery of the same personally to the respondent, or by mailing the same by registered or certified mail to the place of business last theretofore specified by the respondent in the last notification to the Department. At the time and place fixed in the notice, the Department shall proceed to hear the charges and both the respondent and the complainant shall be accorded ample opportunity to present in person or by counsel such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. At such hearing, the Director or the person designated by the Director of the Department may administer oaths. (Amended by Act approved August 20, 1965)

Section 17. The Department, over the signature of the Director, Assistant Director or the person designated by the Director, is authorized to subpoena and bring before the Department any person or persons in this State and to take testimony either orally or by deposition or by exhibit, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in circuit courts of this State.

Section 18. The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case involving the refusal to issue or renew or the suspension or revocation of a license. The notice of hearing. complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony and the orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person or persons interested in such hearing upon payment therefor of 75 cents per page for each original transcript and 40 cents per page for each carbon copy thereof ordered with the original.

Section 19. In any case involving the refusal to issue or renew or the suspension or revocation of a license the Director of the Department after the hearing, or, if the respondent failed to appear, on the date set for the hearing, shall enter an order of suspension, revocation or refusal, as the case may require, or dismiss the case, a copy of which order shall be served upon the respondent by the Department, either personally or by registered or certified mail as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the respondent may present to the Department a motion in writing for a re-hearing, which written motion shall specify the particular grounds

therefor. If no motion for re-hearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial, the original order of the Director shall become final. No more than one rehearing shall be allowed. If the respondent shall order and pay for a transcript of the record within the time for filing a motion for rehearing, then the 20 day period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent.

Section 20. Any circuit or superior court or any judge thereof, either in term time or vacation, may, upon application of the Director of the Department or of the applicant or licensee against whom proceedings under this Act are pending, enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books and records in connection with any hearing in any proceedings under this Act. The Court or judge may compel obedience to its or his order by proceedings for contempt.

Section 21. Any person affected by a final administrative decision of the Department may have such decision reviewed judicially by the circuit or superior court of the county wherein such person resides. If the plaintiff in the review proceedings is not a resident of this State, the venue shall be in Sangamon County. The provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder. The term "administrative decision" is defined as in Section 1 of said "Administrative Review Act".

The Department shall not be required to certify the record of the proceedings unless the

plaintiff in the review proceedings shall first pay to the Department the sum of 75 cents per page of such record. Exhibits shall be certified without cost.

Section 22. Appeals from all final orders and judgments of the circuit or superior court under the "Administrative Review Act" may be taken directly to the Supreme Court in the same manner as other civil cases appealed directly to the Supreme Court.

Section 23. Upon the revocation or suspension of any license, the licensee shall forthwith surrender the license to the Department, and if the licensee fails to do so, the Department shall have the right to seize the same.

Section 24. The Department may issue regulations, consistent with the provisions of this Act, for the administration and enforcement thereof and may prescribe forms which shall be used in connection therewith.

Section 25. No action or counterclaim shall be maintained by any contractor in any court in this state with respect to any agreement, work, labor or materials for which a license is required by this Act or to recover the agreed price or any compensation under any such agreement, or for any such work, labor or materials for which a license is required by this Act without alleging and proving that such contractor had a valid license at the time of making such agreement and of supplying such labor, work or materials.

Section 26. If any person has violated or is violating the provisions of this Act, the Director of the Department may, in the name of the people of the State of Illinois, through the Attorney General of the State of Illinois, or the State's Attorney of any county in the State of Illinois, apply, in any court of competent jur-

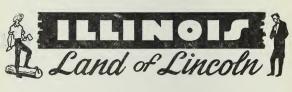
isdiction, for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit or otherwise that such person has violated this Act, may issue a temporary injunction, without notice or bond, enjoining such violation. The proceedings shall thereafter be conducted as in other civil cases. If it is established that such person has violated or is violating this Act, the Court, or any judge thereof, may enter a decree perpetually enjoining such violation or enforcing compliance with this Act. In case of violation of any order or decree issued under the provisions of this Section, the Court, or any judge thereof, may summarily try and punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

Section 27. Whoever violates any provision of this Act shall be fined not to exceed \$500. Such fine shall be in addition to any other action that may be taken under this Act.

Section 28. If, for any reason, any part of this Act is found to be unconstitutional or invalid, such finding shall not affect the validity of the remaining parts of the Act.







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The Illinois Water Well Contractor's License Act

III. Rev. Stat. 1967, Ch. 111½ Sec. 116.76 to 116.103

STATE OF ILLINOIS

SAMUEL H. SHAPIRO, Governor



DEPARTMENT OF REGISTRATION AND EDUCATION JOHN C. WATSON, Director SPRINGFIELD, ILLINOIS 62706

1968

(Printed by Authority of the State of Illinois)

WATER WELL CONTRACTOR'S LICENSE ACT

Act of July 21, 1959

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WATER WELL CONTRACTOR'S LICENSE ACT

AN ACT to license and regulate water well Contractors and to provide penalties for the violation thereof, and to make an appropriation therefor. (Approved July 21, 1959.)

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Sec. 1. [Citation.] This Act shall be known and may be cited as the "Water Well Contractor's License Act"

Sec. 2. [Definitions.] As used in this Act, unless the context otherwise requires: "Water well" and "well" mean any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the location, diversion, artificial recharge, or acquisition of ground water, but such term does not include an excavation made for the purpose of obtaining or prospecting for oil, natural gas, minerals or products of mining or quarrying or for inserting media to repressure oil or natural gas bearing formation or for storing petroleum, natural gas or other products; "Ground water" means water of under-ground streams, channels, artesian basins, reservoirs, lakes and other water under the surface of the ground whether percolating or otherwise:

"Drill" and "drilling" mean all acts necessary to the construction of a water well including the sealing of unused water well holes;

"Water Well Contractor" and "Contractor" mean any person who contracts to drill, alter or repair any water well;

"Water well drilling rig" means the machinery used in drilling a water well; "Department" means the Department of Registration and Education of this State;

"Director" means the Director of the Department of Registration and Education;

"Board" means the Board of Water Well Contractor Examiners created by Section 6 of this Act;

"Person" includes any natural person, partnership, association, trust and public or private corporation;

"License" means a water well Contractor's license required by Section 4 of this Act;

"Rig permit" and "permit" mean a permit to operate a water well drilling rig required by Section 5 of this Act.

- Sec. 3. [Application.] This Act shall not apply: (1) to an individual who drills a water well on land which is owned or leased by him and is used by him for farming purposes or as his place of abode; or
- (2) to an individual who performs labor or services for a licensed water well Contractor in connection with the drilling of a water well at the direction and under the personal supervision of a licensed water well Contractor.
- Sec. 4. [License.] Subject to the provisions of Section 3 after January 1, 1960, no contractor shall drill a water well or engage in the occupation of a water well Contractor unless he holds a valid license as a water well Contractor issued by the Department under this Act. Nothing contained herein shall prevent or preclude any person not licensed under this Act or his employee from installing or servicing water well pumping units, pumping units, pressure tanks and connections thereto after any water well has been drilled.

- Sec. 5. [Rig permit.] After January 1, 1960 no water well Contractor shall operate a water well drilling rig or permit a well drilling rig owned by him to be operated by any employee unless he holds a valid permit to operate such drilling rig issued by the Department under this Act. A separate permit shall be obtained for each water well drilling rig operated by a licensed water well Contractor during the permit year.
- Sec. 6. [Board Creation Membership Appointments Powers and duties.] There is created in the Department a Board of Water Well Contractor Examiners which shall exercise its duties provided in this Act under the supervision of the Department. The Board shall consist of 3 members, designated from time to time by the Director. In making the appointments to the Board, the Director shall consider the recommendation of the Illinois Water Well Driller's Association.

The members of the Board shall be paid at the per diem rate established by the Department for examining committees for actual time devoted to their duties and shall be reimbursed for necessary traveling expenses.

The Board shall aid the Director and the Department by:

- (a) Preparing subject matter for examinations to test the knowledge and skills of applicants for license in the construction, installation and repair of water wells, well pumps, water pressure storage tanks, connecting piping and related appurtenances, including proper sealing of abandoned water wells, and the rules and regulations of the Department of Public Health of the State of Illinois under the Public Water Supply Control Law;
- (b) Suggesting rules and regulations to govern examinations and hearings for suspension

or revocation of or refusal to issue or renew a license;

- (c) Holding examinations of applicants for license at least once a year prior to November 1st in each year;
- (d) Holding hearings for the revocation or suspension of, or refusal to issue, renew or reinstate licenses;
- (e) Submitting recommendations to the Director from time to time for the efficient administration of this Act;
- (f) Grading all tests and examinations for licenses and promptly reporting the results to the Director; and
- (g) Performing such other duties from time to time prescribed by the Director. (As amended by act approved Aug. 26, 1967.)
- Sec. 7. [Department—Powers and duties.] The Department shall: (a) Fix and announce dates for examinations;
- (b) Prepare forms for application for a water well Contractor's license, which application shall state thereon the scope of the examination as set forth in paragraph (a) of Section 6 of this Act;
- (c) Prepare and issue license certificates and rig permits to those entitled thereto;
- (d) With the aid of the Board, prescribe rules and regulations for the conduct of examinations:
- (e) Prescribe rules for hearings to suspend, revoke or reinstate licenses as provided in this Act:
- (f) Maintain a record showing: (1) the names and addresses of licensed well Contractors in this State, (2) the dates of issuance of licenses, (3) the date and substance of the charges set forth in any complaint for suspen-

sion or revocation of any license, (4) the date and substance of all petitions for reinstatement of license, and (5) the final order on such complaints and petitions.

- Sec. 8. [License and rig permit—Application for examination—Contents.] Applications for examination for licenses or for renewal of licenses, and applications for rig permits shall be made to the Department upon forms prescribed and furnished by the Department, shall be in writing, under oath or affirmation, and shall include:
- 1. The name, age, residence address and business address of the applicant;
- 2. Evidence of citizenship or the filing of a declaration of intent to become a citizen;
- 3. The number of drilling rigs for which the applicant desires permits and a brief description of each rig;
- 4. Number of years experience in the operation of water well drilling rigs and for whom operated; and
- 5. Such other information as the Department may require in order for the Department to determine whether the applicant is entitled to hold a license or a rig permit, as the case may be, under this Act.
- Sec. 9. [License and rig permit—Qualifications—Numbering and signing.] The Department shall issue a license where the applicant therefor is at least 21 years of age, is a citizen of the United States or has declared his intention to become a citizen, is of good moral character, has had at least two year's experience in the operation of a water well drilling rig, has passed the required examination and has paid the required fee. The Department shall issue rig permits where the applicant therefor has a valid license, has made proper

application for a permit and has paid the required fee.

All licenses and rig permits shall be serially numbered and all rig permits shall show the serial number of the license of the licensee in addition to its own serial number. Each license shall be signed by the Director of the Department and issued under the seal of the Department.

Sec. 10. [Persons engaged in occupation prior to June 1, 1959—Licensing.] Any person who has been engaged in the occupation, trade or business of a water well contractor within the State of Illinois prior to June 1, 1959, shall, upon application within one year of the effective date of this Act and payment of the required license fee, be issued a water well contractor's license certificate hereunder, without examination. The Director may require such applicant to submit satisfactory proof that he was so engaged prior to such time.

Sec. 11. [Department—Limitation on powers.] None of the functions, powers and duties enumerated in this Act shall be exercised by the Department except upon the action and report in writing of the Board.

The action or report in writing of a majority of the Board shall be sufficient authority upon which the Director may act.

Whenever the Director is satisfied that substantial justice has not been done either in an examination, or in the suspension or revocation of or refusal to restore, issue or renew a license, he may order a re-examination or re-hearing by the same or other examiners.

Sec. 12. [Licenses and permits—Expiration—Renewal.] All licenses and permits issued under this Act shall expire on the last day of January next following the date of issuance.

A license may be renewed for an ensuing license year without examination by making application therefor and paying the prescribed fee at least 30 days prior to the expiration date of the current license and such application shall extend the period of validity of the current license until a new license is received or the Department refuses to issue a new license under the provisions of this Act.

Sec. 13. [Licenses and permits—Fees.] The following fees shall be paid to the Department at the time an application is made:

for	origi	nal	lice	nse						\$50.00
for	rene	wal	of	lice	ns	е				25.00
for	each	rig	per	mit						15.00

There shall be no reduction in such fees because a license or rig permit when issued may be valid for less time than a full license or permit year.

- Sec. 14. [Licenses and permits—Display.] The licensee shall conspicuously display his license at his principal place of business. Each rig permit shall be made of weatherproof material and shall be firmly attached to the drilling rig for which it was issued.
- Sec. 15. [Refusal, suspension or revocation of license—grounds.] The Department may refuse to issue or renew, may suspend or may revoke a license on any one or more of the following grounds:
- (1) Material misstatement in the application for license;
- (2) Failure to have or retain the qualifications required by Section 9 of this Act;
- (3) Wilful disregard or violation of this Act or of any rule or regulation promulgated by the Department pursuant thereto; or disregard or violation of any law of the State of Illinois or

of any rule or regulation promulgated pursuant thereto relating to Water Wells; including disregard or violation of the Illinois Pump Installation Code, or any rule or regulation promulgated pursuant thereto;

- (4) Wilfully aiding or abetting another in the violation of this Act or any rule or regulation promulgated by the Department pursuant thereto:
- (5) Incompetence in the performance of the work of a water well contractor;
- (6) Allowing the use of his license by an unlicensed person;
- (7) Conviction of any crime an essential element of which is misstatement, fraud or dishonesty, conviction in this or another State of any crime which is a felony under the laws of this State or the conviction in a federal court of any felony.
- (8) Making substantial misrepresentations or false promises of a character likely to influence, persuade or induce in connection with the occupation of a water well contractor. (As amended by act approved May 4, 1967.)
- Sec. 16. [Suspension and revocation of censes-Investigation-Notice-Hearing.] Department may upon its own motion and shall upon the receipt of notification from the Director of the Department of Public Health or upon the verified complaint in writing of any person, setting forth facts which, if proved, would constitute grounds for refusal, suspension or revocation under this Act, investigate the actions of any applicant or any person or persons holding or claiming to hold a license. The Department shall, before refusing to issue or renew, and before suspension or revocation of a license, at least 10 days prior to the date set for the hearing, notify in writing the applicant for or holder of a license, here-

inafter called the respondent, that a hearing will be held on the date designated to determine whether the respondent is privileged to hold such license, and shall afford the respondent an opportunity to be heard in person or by counsel with reference thereto. Such written notice may be served by delivery of the same personally to the respondent, or by mailing the same by registered or certified mail to the place of business last theretofore specified by the respondent in the last notification to the Department. At the time and place fixed in the notice, the Department shall proceed to hear the charges and both the respondent and the complainant shall be accorded ample opportunity to present in person or by counsel such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. At such hearing, the Director or the person designated by the Director of the Department may administer oaths. (As amended by act approved Aug. 20, 1965.)

Sec. 17. [Subpoena of witnesses.] The Department, over the signature of the Director, Assistant Director or the person designated by the Director, is authorized to subpoena and bring before the Department any person or persons in this State and to take testimony either orally or by deposition or by exhibit, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in circuit courts of this State.

Sec. 18. [Stenographer—Record of proceedings.] The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case involving the refusal to issue or renew or the suspension or revocation of a license. The notice of hearing, complaint and all other documents in the na-

ture of pleadings and written motions filed in the proceedings the transcript of testimony and the orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person or persons interested in such hearing upon payment therefor of 75 cents per page for each original transcript and 40 cents per page for each carbon copy thereof ordered with the original.

Sec. 19. [Suspension and revocation of licenses-Hearing-Re-hearing. In any case involving the refusal to issue or renew or the suspension or revocation of a license the Director of the Department after the hearing, or, if the respondent failed to appear, on the date set for the hearing, shall enter an order of suspension, revocation or refusal, as the case may require, or dismiss the case, a copy of which order shall be served upon the respondent by the Department, either personally or by registered or certified mail as provided in this Act for the service of the notice of hearings. Within 20 days after such service, the respondent may present to the Department a motion in writing for a re-hearing, which written motion shall specify the particular grounds therefor. If no motion for re-hearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial, the original order of the Director shall become final. No more than one rehearing shall be allowed. If the respondent shall order and pay for a transcript of the record within the time for filing a motion for rehearing, then the 20 day period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent.

Sec. 20. [Coercion of witnesses.] Any circuit court or any Judge thereof, may, upon

application of the Director of the Department or of the applicant or licensee against whom proceedings under this Act are pending, enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books and records in connection with any hearing in any proceedings under this Act. The Court or judge may compel obedience to its or his order by proceedings for contempt. (As amended by act approved Sept. 7, 1967.)

Sec. 21. [Judicial review.] Any person affected by a final administrative decision of the Department may have such decision reviewed judicially by the circuit court of the county wherein such person resides. If the plaintiff in the review proceedings is not a resident of this State, the venue shall be in Sangamon County. The provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder. The term "administrative decision" is defined as in Section 1 of said "Administrative Review Act".

The Department shall not be required to certify the record of the proceedings unless the plantiff in the review proceedings shall first pay to the Department the sum of 75 cents per page of such record. Exhibits shall be certified without cost. (As amended by act approved

Sept. 7, 1967.)

Sec. 22. Repealed by act approved Aug. 24, 1965.

Sec. 23. [Surrender of license] Upon the revocation or suspension of any license, the licensee shall forthwith surrender the license to

the Department, and if the licensee fails to do so, the Department shall have the right to seize the same.

Sec. 24. [Enforcement of act.] The Department may issue regulations, consistent with the provisions of this Act, for the administration and enforcement thereof and may prescribe forms which shall be used in connection therewith.

Sec. 25. [Actions for work, labor or material—Allegation and proof of valid license.] No action or counterclaim shall be maintained by any contractor in any court in this state with respect to any agreement, work, labor or materials for which a license is required by this Act or to recover the agreed price or any compensation under any such agreement, or for any such work, labor or materials for which a license is required by this Act without alleging and providing that such contractor had a valid license at the time of making such agreement and of supplying such labor, work or materials

Sec. 26. [Violations — Injunctions — Contempt.] If any person has violated or is violating the provision of this Act, the Director of the Department may, in the name of the people of the State of Illinois, through the Attorney General of the State of Illinois, or the State's Attorney of any county in the State of Illinois, apply, in any court of competent jurisdiction, for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit or otherwise that such person has violated this Act, may issue a temporary injunction, without notice or bond, enjoining such violation. The proceedings shall thereafter be conducted as in other

civil cases. If it is established that such person has violated or is violating this Act, the Court, or any judge thereof, may enter a decree prepetually enjoining such violation or enforcing compliance with this Act. In case of violation of any order or decree issued under the provisions of this Section, the Court, or any judge thereof, may summarily try and punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

Sec. 27. [Penalties.] Whoever violates any provision of this Act shall be fined not to exceed \$500. Such fine shall be in addition to any other action that may be taken under this Act.

Sec. 28. [Severability provision.] If, for any reason, any part of this Act is found to be unconstitutional or invalid, such finding shall not affect the validity of the remaining parts of the Act.



